

By: Bettencourt, et al.

S.B. No. 655

A BILL TO BE ENTITLED

AN ACT

relating to certain notice of the extent of a municipality or its extraterritorial jurisdiction.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 41.001, Local Government Code, is amended by amending Subsection (a) and adding Subsections (a-1), (d), and (e) to read as follows:

(a) Each municipality shall prepare a map that shows the boundaries of the municipality and of its extraterritorial jurisdiction. The municipality shall maintain a copy of the map in a location that is easily accessible to the public, including:

(1) ~~[A copy of the map shall be kept]~~ in the office of the secretary or clerk of the municipality;

(2) if ~~[.——If]~~ the municipality has a municipal engineer, ~~[a copy of the map shall also be kept]~~ in the office of the engineer; and

(3) if the municipality maintains an Internet website, making a copy of the map available on the municipality's website.

(a-1) A municipality must make a copy of a map required under this section available without charge.

(d) In addition to the requirements of this section, a home-rule municipality shall create or contract for the creation of and make publicly available a digital map that complies with this section. A digital map required under this subsection must be made

1 available without charge and in a format widely used by common
2 geographic information system software. If the municipality
3 maintains an Internet website, the municipality shall make the
4 digital map available on the municipality's website.

5 (e) A home-rule municipality that does not have geographic
6 information software shall make a copy of the digital map available
7 in any other widely used electronic format in accordance with
8 Subsection (d).

9 SECTION 2. Section 43.052, Local Government Code, is
10 amended by adding Subsections (f-1) and (f-2) to read as follows:

11 (f-1) In addition to the notice provided under Subsection
12 (f), a home-rule municipality, before the 90th day after the date
13 the municipality adopts or amends an annexation plan under this
14 section, shall give written notice as provided by this subsection
15 to each property owner in any area that would be newly included in
16 the municipality's extraterritorial jurisdiction as a result of the
17 proposed annexation. For purposes of this subsection, a property
18 owner is the owner as indicated by the appraisal records furnished
19 by the appraisal district for each county in which the area that
20 would be newly included in the municipality's extraterritorial
21 jurisdiction is located. The notice must include:

22 (1) a description of the area that has been included in
23 the municipality's annexation plan;

24 (2) a statement that the completed annexation of that
25 area will expand the municipality's extraterritorial jurisdiction
26 to include all or part of the property owner's property;

27 (3) a statement of the purpose of extraterritorial

1 jurisdiction designation as provided by Section 42.001; and

2 (4) a brief description of each municipal ordinance
3 that would be applicable, as authorized by Section 212.003, in the
4 area that would be newly included in the municipality's
5 extraterritorial jurisdiction.

6 (f-2) In addition to the notice requirements under
7 Subsection (f), a home-rule municipality, before the 90th day after
8 the date the municipality adopts or amends an annexation plan under
9 this section, shall create or contract for the creation of and make
10 publicly available a digital map that identifies the area proposed
11 for annexation and any area that would be newly included in the
12 municipality's extraterritorial jurisdiction as a result of the
13 proposed annexation. A digital map required under this subsection
14 must be made available without charge and in a format widely used by
15 common geographic information system software. If the municipality
16 maintains an Internet website, the municipality shall make the
17 digital map available on the municipality's website.

18 SECTION 3. Section 43.0561, Local Government Code, is
19 amended by amending Subsection (c) and adding Subsections (d), (e),
20 and (f) to read as follows:

21 (c) The municipality must:

22 (1) post notice of the hearings on the municipality's
23 Internet website if the municipality has an Internet website; and

24 (2) publish notice of the hearings in a newspaper of
25 general circulation;

26 (A) in the municipality;

27 (B) [~~and~~] in the area proposed for annexation;

1 and

2 (C) if the municipality is a home-rule
3 municipality, in any area that would be newly included in the
4 municipality's extraterritorial jurisdiction by the expansion of
5 the municipality's extraterritorial jurisdiction resulting from
6 the proposed annexation.

7 (d) The notice for each hearing must be published at least
8 once on or after the 20th day but before the 10th day before the date
9 of the hearing. The notice for each hearing must be posted on the
10 municipality's Internet website on or after the 20th day but before
11 the 10th day before the date of the hearing and must remain posted
12 until the date of the hearing.

13 (e) This subsection applies only to a home-rule
14 municipality. If applicable, the notice for each hearing must
15 include:

16 (1) a statement that the completed annexation of the
17 area will expand the municipality's extraterritorial jurisdiction;

18 (2) a description of the area that would be newly
19 included in the municipality's extraterritorial jurisdiction;

20 (3) a statement of the purpose of extraterritorial
21 jurisdiction designation as provided by Section 42.001; and

22 (4) a brief description of each municipal ordinance
23 that would be applicable, as authorized by Section 212.003, in the
24 area that would be newly included in the municipality's
25 extraterritorial jurisdiction.

26 (f) In addition to the notice required by Subsection (c),
27 the [The] municipality must give [additional] notice by certified

1 mail to:

2 (1) each public entity, as defined by Section 43.053,
3 and utility service provider that provides services in the area
4 proposed for annexation; and

5 (2) each railroad company that serves the municipality
6 and is on the municipality's tax roll if the company's right-of-way
7 is in the area proposed for annexation.

8 SECTION 4. Section 43.063, Local Government Code, is
9 amended by amending Subsection (c) and adding Subsections (d), (e),
10 and (f) to read as follows:

11 (c) The municipality must:

12 (1) post notice of the hearings on the municipality's
13 Internet website if the municipality has an Internet website; and

14 (2) publish notice of the hearings in a newspaper of
15 general circulation:

16 (A) in the municipality;

17 (B) ~~and~~ in the area proposed for annexation;

18 and

19 (C) if the municipality is a home-rule
20 municipality, in any area that would be newly included in the
21 municipality's extraterritorial jurisdiction by the expansion of
22 the municipality's extraterritorial jurisdiction resulting from
23 the proposed annexation.

24 (d) The notice for each hearing must be published at least
25 once on or after the 20th day but before the 10th day before the date
26 of the hearing. The notice for each hearing must be posted on the
27 municipality's Internet website on or after the 20th day but before

1 the 10th day before the date of the hearing and must remain posted
2 until the date of the hearing.

3 (e) This subsection applies only to a home-rule
4 municipality. If applicable, the notice for each hearing must
5 include:

6 (1) a statement that the completed annexation of the
7 area will expand the municipality's extraterritorial jurisdiction;

8 (2) a description of the area that would be newly
9 included in the municipality's extraterritorial jurisdiction;

10 (3) a statement of the purpose of extraterritorial
11 jurisdiction designation as provided by Section 42.001; and

12 (4) a brief description of each municipal ordinance
13 that would be applicable, as authorized by Section 212.003, in the
14 area that would be newly included in the municipality's
15 extraterritorial jurisdiction.

16 (f) In addition to the notice required by Subsection (c),
17 the [The] municipality must give [~~additional~~] notice by certified
18 mail to each railroad company that serves the municipality and is on
19 the municipality's tax roll if the company's right-of-way is in the
20 area proposed for annexation.

21 SECTION 5. Subchapter C-1, Chapter 43, Local Government
22 Code, is amended by adding Section 43.0635 to read as follows:

23 Sec. 43.0635. MAP REQUIREMENT FOR PROPOSED ANNEXATION. In
24 addition to the notice requirements under Section 43.063, a
25 home-rule municipality, before the municipality may institute
26 annexation proceedings, shall create or contract for the creation
27 of and make publicly available a digital map that identifies the

1 area proposed for annexation and any area that would be newly
2 included in the municipality's extraterritorial jurisdiction as a
3 result of the proposed annexation. A digital map required under
4 this section must be made available without charge and in a format
5 widely used by common geographic information system software. If
6 the municipality maintains an Internet website, the municipality
7 shall make the digital map available on the municipality's website.

8 SECTION 6. Not later than January 1, 2018, each home-rule
9 municipality shall make publicly available a digital map that
10 complies with Section 41.001(d), Local Government Code, as added by
11 this Act.

12 SECTION 7. (a) The change in law made by Section
13 43.052(f-1), Local Government Code, as added by this Act, applies
14 only to a prospective expansion of extraterritorial jurisdiction
15 resulting from an area proposed for annexation that is included in a
16 municipal annexation plan on or after September 1, 2017.

17 (b) The change in law made by Section 43.052(f-2), Local
18 Government Code, as added by this Act, applies only to a proposed
19 annexation that is included in a municipal annexation plan on or
20 after September 1, 2017.

21 (c) The changes in law made by Sections 43.0561 and 43.063,
22 Local Government Code, as amended by this Act, apply only to a
23 hearing notice published on or after September 1, 2017. A hearing
24 notice published before September 1, 2017, is governed by the law in
25 effect when the hearing notice was published, and the former law is
26 continued in effect for that purpose.

27 (d) The change in law made by Section 43.0635, Local

1 Government Code, as added by this Act, applies only to a proposed
2 annexation for which the first hearing notice required by Section
3 43.063, Local Government Code, as amended by this Act, is published
4 on or after September 1, 2017.

5 SECTION 8. This Act takes effect September 1, 2017.